

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00575-ABJ**

SCHAERR v. UNITED STATES DEPARTMENT OF
JUSTICE et al
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 03/14/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

GENE C. SCHAERR

represented by **Gene C. Schaerr**
SCHAERR DUNCAN LLP
1717 K Street, NW
Suite 900
Washington, DC 20006
(202) 787-1060
Fax: (571) 730-4429
Email: gschaerr@schaerr-duncan.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT
OF JUSTICE**

represented by **Laura Ann Hunt**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
(202) 616-8337
Fax: (202) 616-8470
Email: Laura.A.Hunt@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marina Utgoff Braswell
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2561
Fax: (202) 252-2599
Email: Marina.Braswell@usdoj.gov
TERMINATED: 04/20/2018

Defendant

**OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE**

represented by **Laura Ann Hunt**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marina Utgoff Braswell
(See above for address)
TERMINATED: 04/20/2018

Defendant

NATIONAL SECURITY AGENCY

represented by **Laura Ann Hunt**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Marina Utgoff Braswell
 (See above for address)
 TERMINATED: 04/20/2018

Defendant

**CENTRAL INTELLIGENCE
 AGENCY**

represented by **Laura Ann Hunt**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Marina Utgoff Braswell
 (See above for address)
 TERMINATED: 04/20/2018

Defendant

**UNITED STATES DEPARTMENT
 OF STATE**

represented by **Laura Ann Hunt**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Marina Utgoff Braswell
 (See above for address)
 TERMINATED: 04/20/2018

Date Filed	#	Docket Text
03/14/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5373922) filed by GENE C. SCHAERR. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Civil Cover Sheet, # <u>23</u> Summons US Attorney, # <u>24</u> Summons US Department of Justice, # <u>25</u> Summons US Attorney General, # <u>26</u> Summons Office of the Director of National Intelligence, # <u>27</u> Summons State Department, # <u>28</u> Summons CIA, # <u>29</u> Summons NSA)(Schaerr, Gene) (Entered: 03/14/2018)
03/16/2018	<u>2</u>	CIVIL COVER SHEET (<i>MODIFIED</i>) by GENE C. SCHAERR filed by GENE C. SCHAERR.(Schaerr, Gene) (Entered: 03/16/2018)
03/19/2018		Case Assigned to Judge Amy Berman Jackson. (zsb) (Entered: 03/19/2018)
03/19/2018	<u>3</u>	SUMMONS (7) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 03/19/2018)
04/05/2018	<u>4</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE (Braswell, Marina) (Entered: 04/05/2018)
04/20/2018	<u>5</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE. Attorney Marina Utgoff Braswell terminated. (Braswell, Marina) (Entered: 04/20/2018)
04/23/2018	<u>6</u>	MOTION for Extension of Time to respond re <u>1</u> Complaint by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE

		DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE (jf) (Entered: 04/23/2018)
04/24/2018	<u>7</u>	NOTICE of Appearance by Laura Ann Hunt on behalf of All Defendants (Hunt, Laura) (Entered: 04/24/2018)
04/24/2018		MINUTE ORDER granting <u>6</u> Motion for Extension of Time. Defendants must file a responsive pleading by May 7, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 4/24/2018. (lcabj2) (Entered: 04/24/2018)
05/07/2018	<u>8</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE.(Hunt, Laura) (Entered: 05/07/2018)
05/08/2018	<u>9</u>	ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendants shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before June 5, 2018. See Order for details. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/8/2018. (lcabj2) (Entered: 05/08/2018)
06/05/2018	<u>10</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE. (Hunt, Laura) (Entered: 06/05/2018)
06/08/2018		MINUTE ORDER. The parties must file a joint status report by July 13, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/8/2018. (lcabj2) (Entered: 06/08/2018)
07/13/2018	<u>11</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE. (Hunt, Laura) (Entered: 07/13/2018)
07/16/2018		MINUTE ORDER. Defendants Department of Justice, Office of the Director of National Intelligence, Central Intelligence Agency, and Department of State must file a status report on the production of documents by September 5, 2018. With respect to defendant National Security Agency, the Court acknowledges the complexity of the review required but it is not persuaded that the six month time period is reasonable given the relatively small number of records involved. Therefore, defendant NSA must endeavor to do as much as possible by September 5, 2018 and provide the Court with an adjusted proposed date of completion in the status report to be filed on that date. SO ORDERED. Signed by Judge Amy Berman Jackson on 7/16/2018. (lcabj2) (Entered: 07/16/2018)
08/18/2018	<u>12</u>	MOTION for Hearing <i>in-person status conference</i> by GENE C. SCHAERR (Schaerr, Gene) Modified event title on 8/21/2018 (znmw). (Entered: 08/18/2018)
08/20/2018		MINUTE ORDER. The <u>12</u> Motion for In-Person Status Conference is DENIED without prejudice. Any legal questions related to a Glomar response will not be resolved based on oral representations made at a status conference. If it turns out that the agency intends to rely on such a response, these questions will be presented for resolution with supporting affidavits and briefing in the form of a motion for summary judgment or partial summary judgment. SO ORDERED. Signed by Judge Amy Berman Jackson on 8/20/2018. (lcabj2) (Entered: 08/20/2018)
09/05/2018	<u>13</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE. (Hunt, Laura) (Entered: 09/05/2018)
09/06/2018		MINUTE ORDER. Defendants must file a status report by November 19, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/6/2018. (lcabj2) (Entered: 09/06/2018)

11/19/2018	<u>14</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE. (Hunt, Laura) (Entered: 11/19/2018)
11/20/2018		MINUTE ORDER. Defendants must submit a status report to the Court by December 19, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/20/2018. (lcabj2) (Entered: 11/20/2018)
12/19/2018	<u>15</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE. (Hunt, Laura) (Entered: 12/19/2018)
12/20/2018		MINUTE ORDER. In light of the status report <u>15</u> , it is ORDERED that defendants' motion for summary judgment must be filed by March 15, 2019; plaintiff's opposition and any cross-motion for summary judgment must be filed by April 5, 2019; defendants' reply and opposition must be filed by April 26, 2019; and plaintiff's reply must be filed by May 10, 2019. It is FURTHER ORDERED that the Court will schedule any hearing on a date that is convenient for the parties and the Court if and when it determines a hearing is necessary. Signed by Judge Amy Berman Jackson on 12/20/2018. (lcabj2) (Entered: 12/20/2018)
02/14/2019	<u>16</u>	Unopposed MOTION to Modify <i>the Summary Judgment Briefing Schedule</i> by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Hunt, Laura) (Entered: 02/14/2019)
02/19/2019		MINUTE ORDER granting <u>16</u> Motion to Modify Briefing Schedule. Defendants' motion for summary judgment must be filed by April 30, 2019. Plaintiff's opposition and cross-motion for summary judgment must be filed by May 21, 2019. Defendants' reply and cross-opposition must be filed by June 11, 2019. Plaintiff's cross-reply must be filed by June 25, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 2/19/2019. (lcabj2) (Entered: 02/19/2019)
04/30/2019	<u>17</u>	Unopposed MOTION for Extension of Time to <i>File Defendants' Summary Judgment Motion</i> by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Hunt, Laura) (Entered: 04/30/2019)
05/01/2019		MINUTE ORDER granting <u>17</u> Motion for Extension of Time. Defendants' motion for summary judgment is due on May 14, 2019; plaintiff's opposition and cross-motion for summary judgment is due on June 4, 2019; defendants' reply and cross-opposition is due on June 25, 2019; and plaintiff's reply is due on July 9, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/1/2019. (lcabj2) (Entered: 05/01/2019)
05/14/2019	<u>18</u>	MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Statement of Material Undisputed Facts, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration of Antoinette Shiner, # <u>4</u> Exhibit to Shiner Declaration (A-I), # <u>5</u> Declaration of David Hardy, # <u>6</u> Exhibit to Hardy Declaration (A-P), # <u>7</u> Declaration of Steven Thompson, # <u>8</u> Exhibit to Thompson Declaration (A-M), # <u>9</u> Declaration of Patrick Findlay, # <u>10</u> Exhibit to Findlay Declaration (A-C), # <u>11</u> Declaration of Patricia Gaviria, # <u>12</u> Exhibit to Gaviria Declaration (A-D), # <u>13</u> Declaration of Eric Stein, # <u>14</u> Exhibit to Stein Declaration (1-3))(Hunt, Laura) (Entered: 05/14/2019)
05/20/2019	<u>19</u>	Joint MOTION to Seal Document <i>File ECF No. 18 Under Seal, Nunc Pro Tunc</i> re <u>18</u> MOTION for Summary Judgment by GENE C. SCHAERR (Schaerr, Gene) Modified event title on 5/20/2019 (znmw). (Entered: 05/20/2019)
05/21/2019		MINUTE ORDER granting <u>19</u> Motion for Leave to File Under Seal. The Clerk of the Court is directed to file under seal defendant's motion for summary judgment <u>18</u> and all associated attachments. Defendants must file a redacted version of the motion and

		attachments on the public docket by May 29, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/21/2019. (lcabj2) (Entered: 05/21/2019)
05/29/2019	<u>20</u>	MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Declaration of Antoinette Shiner, # <u>2</u> Exhibit to Shiner Declaration (A-I) (REDACTED), # <u>3</u> Declaration of David Hardy (REDACTED), # <u>4</u> Exhibit to Hardy Declaration (A-I) (REDACTED), # <u>5</u> Exhibit to Hardy Declaration (J-P) (REDACTED), # <u>6</u> Declaration of Steven Thompson, # <u>7</u> Exhibit to Thompson Declaration (A-M) (REDACTED), # <u>8</u> Declaration of Patrick Findlay, # <u>9</u> Exhibit to Findlay Declaration (A-C), # <u>10</u> Declaration of Patricia Gaviria, # <u>11</u> Exhibit to Gaviria Declaration (A-D), # <u>12</u> Declaration of Eric Stein, # <u>13</u> Exhibit to Stein Declaration (1-3), # <u>14</u> Text of Proposed Order, # <u>15</u> Statement of Facts)(Hunt, Laura) (Entered: 05/29/2019)
05/31/2019	<u>21</u>	MOTION for Extension of Time to File <i>Cross Motion for Summary Judgment and Opposition to Motion for Summary Judgment</i> by GENE C. SCHAERR (Attachments: # <u>1</u> Text of Proposed Order)(Schaerr, Gene) (Entered: 05/31/2019)
06/04/2019		MINUTE ORDER granting <u>21</u> Motion for Extension of Time. Plaintiff must file his opposition and cross-motion for summary judgment by June 25, 2019; defendants must file their reply and cross-opposition by July 26, 2019; and plaintiff must file his reply by August 9, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/4/2019. (lcabj2) (Entered: 06/04/2019)
06/04/2019		Set/Reset Deadlines: Cross-Motion and Opposition to Motion for Summary Judgment due by 6/25/2019; Opposition to Cross-Motion and Reply to Opposition to Motion for Summary Judgment due by 7/26/2019; Reply to Opposition to Cross-Motion due by 8/9/2019. (tg) (Entered: 06/04/2019)
06/21/2019	<u>22</u>	Second MOTION for Extension of Time to <i>file cross-motion for summary judgment</i> , Second MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Summary Judgment , <u>20</u> MOTION for Summary Judgment by GENE C. SCHAERR (Attachments: # <u>1</u> Text of Proposed Order)(Schaerr, Gene) (Entered: 06/21/2019)
06/24/2019		MINUTE ORDER granting <u>22</u> Motion for Extension of Time. Plaintiff must file his opposition and cross-motion for summary judgment by July 5, 2019; defendants must file their reply and cross-opposition by August 16, 2019; and plaintiff must file his reply by August 30, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/24/2019. (lcabj2) (Entered: 06/24/2019)
07/02/2019	<u>23</u>	Third MOTION for Extension of Time to <i>File Cross-Motion for Summary Judgment</i> , Third MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Summary Judgment , <u>20</u> MOTION for Summary Judgment by GENE C. SCHAERR (Attachments: # <u>1</u> Proposed Order Granting Motion for Extension of Time)(Schaerr, Gene) (Entered: 07/02/2019)